



Austin City Council MINUTES

REGULAR MEETING
THURSDAY, DECEMBER 4, 1997

Mayor Watson called the meeting to order, noting the presence of all Councilmembers.

1. Approval of Minutes for Special Called Meetings of November 17, 18, and 25, 1997, and Regular Meetings of November 9 and 20, 1997.
Postponed

CITIZEN COMMUNICATIONS: GENERAL

2. Leonard Lyons, to discuss the evaluation process.
3. Thom. Farrell, to discuss Dessau Utilities (Harris Ridge) wastewater rates.
Absent
4. Patrick Randall, to discuss Animal Advisory Commission Resolutions.
Absent

READING OF CONSENT AGENDA

READING OF DISCUSSION AGENDA

CITIZEN COMMUNICATIONS: CONSENT AGENDA

ACTION ON CONSENT AGENDA

ITEMS CONTINUED FROM PREVIOUS MEETINGS

5. Approve a resolution authorizing negotiation and execution of a Lease Agreement with Austin Airmotive, Inc., for use of Hangar 1610 and Building 1612, and related ground space at Austin Bergstrom International Airport for operation of an FAA approved repair station. (\$220,013 less improvement credit revenue to the City.) [Recommended by Airport Advisory Board]
Postponed indefinitely

7. Approve the selection and authorize negotiation and execution of a twenty year agreement with GSEMPORT DEVELOPMENT, LLC, Austin, Texas, for the nonexclusive right to design, finance, construct, manage, market, and operate Ground Service Equipment Maintenance Facilities at the Austin-Bergstrom International Airport. (There is no cost to the City for this contract. The Aviation Fund will receive ground rental fees of approximately \$682,322.24 during the initial 20 year term. Revenue from this source will be budgeted in future years.) DBE participation: 30% (29.16% MBE, .29% WBE) [Recommended by Airport Advisory Board] **(Related to Item 8)**
Postponed indefinitely
8. Approve the selection and authorize negotiation and execution of a twenty year agreement with one five year extension option with AUSTIN BELLYPART DEVELOPMENT, LLC, Austin, Texas, for the nonexclusive right to design, finance, construct, manage, market and operate freight (belly freight) facilities at the new Austin-Bergstrom International Airport. (There is no cost to the City for this contract; the Aviation Fund will receive ground rental fees of approximately \$682,322.24 during the initial 20 year term. Revenue from this source will be budgeted in future years.) DBE participation: 31% (30.7% MBE, .27% WBE) [Recommended by Airport Advisory Board] **(Related to Item 7)**
Postponed indefinitely

Health and Human Services

9. Approve an ordinance authorizing acceptance of an additional \$21,811 in grant funds from the United States Department of Health and Human Services Ryan White Title I Supplemental 1996-97 grant program for HIV related services; amend Ordinance 970917-A, the 1997-98 operating budget, by appropriating an additional \$21,811 in grant funds for the Health and Human Services Department Special Revenue Fund, for a total grant amount of \$1,886,816. (A City match is not required.)
Ordinance No. 971204-A approved
10. Approve an ordinance authorizing acceptance of an additional \$10,544 in grant funds from the United States Department of Health and Human Services Ryan White Title I Formula 1996-97 grant program for HIV related services; amend Ordinance 970917-A, the 1997-98 operating budget, by appropriating an additional \$10,544 in grant funds for the Health and Human Services Department Special Revenue Fund, for a total grant amount of \$1,492,628. (A City match is not required.)
Ordinance No. 971204-B approved
11. Approve a resolution authorizing execution of a twelve month supply agreement with BINDLEY WESTERN DRUG COMPANY, Houston, Texas, for prime vendor program for prescription drugs for the Austin/Travis County Health and Human Services Department and the Emergency Medical Services Department, in an amount not to exceed \$2,438,500 with three twelve month extension options in an amount not to exceed \$2,773,660 for the first extension, \$3,155,742 for the second extension and \$3,591,316 for the third extension, for a

total contract amount not to exceed \$11,959,218. (Funding in the amount of \$1,763,750 was included in the 1997-98 Federally Qualified Health Center Special Revenue Fund, \$170,000 was included in the Travis County Reimbursed Special Revenue Fund, and \$65,000 was included in the General Fund for the Health and Human Services Department and \$33,333 was included in the 1997-98 operating budget of the Emergency Medical Services Department. Funding for the remaining two month of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of two. No M/WBE Subcontracting opportunities were identified.

Resolution No. 971204-11 approved

Finance and Administrative Services

12. Approve a resolution authorizing execution of a contract with HOUSTON-GALVESTON AREA COUNCIL of GOVERNMENTS COOPERATIVE PURCHASING PROGRAM (H-GAC), Houston, Texas, for the purchase of five fire trucks, in the amount of \$1,764,279.97 (Funding was included in the 1997-98 Vehicle Acquisition Fund.)

Resolution No. 971204 approved

13. Approve a resolution authorizing execution of a twelve month supply agreement with FURROW BUILDING MATERIAL, Austin, Texas, for the purchase of hardware items (i.e. bolts, wire, chains, nails, locks, etc.) to be used in various daily operations by City personnel, in an amount not to exceed \$49,873 with two twelve month extension options in an amount not to exceed \$49,873 per extension, for a total amount not to exceed \$149,619. (Funding in the amount of \$41,561 was included in the 1997-98 operating budget of the various City departments. Funding for the remaining two months of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of seven meeting specifications. No M/WBE Subcontracting opportunities were identified.

Resolution No. 971204-13 approved

Items 9 through 13 approved on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

Library

14. Approve a resolution authorizing execution of a contract with KNOGO NORTH AMERICA, INC., Long Island, New York, for the purchase and installation of a collections theft protection system at the following libraries: Carver, Howson, Little Walnut Creek, Manchaca, Oak Springs, Old Quarry, Pleasant Hill, Spicewood Springs, Terrazas, University Hills, Will Hampton, and Milwood, in the amount of \$298,775. (Funding was included in the 1996-97 Capital budget of the Library Department.) Sole source. No M/WBE Subcontracting opportunities were identified.

Postponed one week to December 11, 1997

Police

15. Amend Ordinance No. 970916-C, by establishing the classifications and positions in the classified service of the Austin Police Department; creating and eliminating certain classified positions. (Fiscal impact is \$12,695.. This amount represents the added promotional costs for moving the promotion of 20 Police Detectives from January 4, 1998 to December 7, 1997. Funding is available in the 1997-98 Operating Budget for the Police Department through unanticipated vacancy savings.)
Ordinance No. 971204-C approved
16. Approve a resolution authorizing application for and acceptance of \$79,986 in second year grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Victims of Crime Act (VOCA) Fund to continue implementation of a grant program to provide services to victims of family violence and stalking. (Funding is for the grant period July 1, 1998 through June 30, 1999. An in-kind match of \$27,922 is required and presents existing salary costs approved in the 1997-98 Operating Budget of the Police Department. Funding for the continued operation of this program is contingent upon available funding in future budgets.)
Resolution 971204-16 approved
17. Approve a resolution authorizing the application for and acceptance of \$79,978 in ninth year grant funding from the State of Texas, Governor's Office, Criminal Justice Division Victims of Crime Act (VOCA) Fund, to continue the grant program, "Enhancing Existing Victim Assistance Program." (Funding is for the grant period July 1, 1998 through June 30, 1999. An in-kind match of \$32,240 is required and represents existing salary costs approved in the 1997-98 Operating Budget for the Austin Police Department, Victim Services Program. Funding for the continued operation of this program is contingent upon available funding in future budgets.)
Resolution No. 971204-17 approved
18. Approve a resolution authorizing the application for and acceptance of \$79,986 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Violence Against Women Act (VAWA) Fund to enhance emergency outreach services to female victims of domestic violence and affected family members. (Funding is for the grant period of July 1, 1998 to June 30, 1999. An in-kind match of \$31,013 is required and represents an existing salary provided in the 1997-98 Operating Budget for the Austin Police Department.)
Resolution No. 971204-18 approved
19. Approve a resolution authorizing application for and acceptance of \$79,986 in second year grant funding from the State of Texas Governor's Office, Criminal Justice Division, Violence Against Women Act (VAWA) Fund, to continue the implementation of a grant program to provide outreach to female victims of family violence and stalking. (Grant funding is available from VAWA through the State of Texas Governor's Office, Criminal Justice Division for the grant period of July 1, 1998 through June 30, 1999. An in-kind match of \$27,206 is required and represents an existing salary approved in the 1997-98 Operating Budget for the Austin Police Department, Victim Services Program. Funding for the continued operation of this

program is contingent upon available funding in future years.)
Resolution No. 971204-19 approved

Items 15 through 19 approved on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

Planning, Environmental and Conservation Services

20. Approve second/third readings of an ordinance annexing for full purposes the Balcones Village Area, Case No. C7a-97-008, which includes the Balcones Village subdivision, adjacent territory along Anderson Mill Road, and the Balcones Country. The area is generally bounded on the east by the existing Austin city limits along US 183, on the north by Anderson Mill Road, the Spicewood and Balcones Village development to the west, and Northwest Travis County MUD 1 and its out-of-district service area to the south.
Ordinance No. 971204-G approved with amendments to service plan on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.
21. Approve second/third readings of an ordinance annexing for full purposes the US 183 West Area, Case No. C7a-97-007, which includes Northwest Travis County Municipal Utility District No.1 and its out-of-district service area, Northwest Travis County MUD No. 2, the Spicewood at Balcones Village subdivision, and other areas generally located between Spicewood Springs Road on the south, the existing City limits to the west (excluding Anderson Mill Estates), Anderson Mill Road to the north, and the Balcones Village subdivision and the existing City limits to the east.
Ordinance No. 971204-H approved with amendments to service plan on, Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 6-1 vote, Councilmember Slusher voting "NO".
22. Approve an ordinance annexing for full purposes the Four Points Annexation Area (C7a-97-010), known as the Four Points Area, which includes approximately 800 acres in the vicinity of FM 620 and FM 2222, on the west side of FM 620 and includes the developed Parke neighborhood, the Condea Vista Chemical site, the SAS Institute Site and several lots at the intersection of FM 620 and Bullock Hollow Road, on the east side of FM 620 the area is bounded to the north and south by the existing City limits and to the east by the R-N Water Quality Protection Zone.
Ordinance No. 971204-I approved with amendments to service plan on, Councilmember Spelman's motion, Councilmember Lewis' second, 7-0 vote.
23. Approve an ordinance annexing for full purposes the IH-35 South Annexation Area (C7a-97-013) known as the IH-35 South Area, which includes approximately 1,044 acres, bounded by Slaughter Lane on the north, IH-35 on the east, FM 1626 to the south, and on the east by the existing city limits of the Cities of San Leanna and Austin.
Approved first reading only on, Councilmember Goodman's motion, Councilmember Spelman's second, 7-0 vote.

24. Approve an ordinance annexing for full purposes the Carson Creek Annexation Area (Case No. C7a-97-015) known as the Carson Creek Area, which includes approximately 54 acres, bounded to the east by Thornberry Road, to the north by the rear lot lines of property fronting on Carson Creek Boulevard, to the west by the existing Austin city limits, and to the south by the existing Austin city limits and the rear lot lines of lots fronting on Night Star Drive.
Ordinance No. 971204-J approved on, Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.
25. Approve an ordinance annexing for full purposes the Thompson Lane Annexation Area (Case No. C7a-97-016) known as the Thompson Lane Area, which includes approximately 1 acre, consisting of a portion of Lot C, Commerce Square, Section Two subdivision, located north of the intersection of U.S. Highway 183 and Patton Avenue.
Ordinance No. 971204-K approved on, Councilmember Lewis' motion, Councilmember Spelman's second, 7-0 vote.

Parks and Recreation

26. Amend Ordinance No. 970917-A, the 1997-98 Operating Budget of the Golf Enterprise Fund of the Parks and Recreation Department, increasing the budgeted expenditures by \$1,017,315, increasing budgeted revenue by \$838,738 and decreasing the budgeted ending balance by \$178,577, resulting from the operation of the Jimmy Clay/Roy Kizer Golf Course Pro Shop. (The \$178,577 difference between revenue and expenses will be funded from the Golf Enterprise Fund ending balance.)
Ordinance No. 971204-D approved on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

Public Works

27. Approve a resolution approving the creation of and appointments to a Citizens Bond Committee for the 1998 Bond Election. (No fiscal impact.)
Postponed to December 11, 1997

Telecommunications

28. Approve third reading of an ordinance granting a municipal consent agreement to Waller Creek Communications, Inc., to provide telecommunications services. (Anticipated revenue of \$7,250 was included in the 1997-98 Budget). [Recommended by Committee for Telecommunications Infrastructure.]
Ordinance No. 971204-E approved

ITEMS FROM COUNCIL

29. Approve a resolution accepting Xishuangbanna as a Sister City. (Councilmember Jackie Goodman, Mayor Pro Tem Gus Garcia and Councilmember Willie Lewis)
Resolution No. 971204-29 approved

30. Approve a resolution modifying the selection of the East Cesar Chavez Pueblito application to participate in the Citizen's Planning Implementation Committee's Pilot Neighborhood Planning Project; and authorizing the City Manager or his designee to negotiate and execute a Memorandum of Understanding. (Fiscal impact is dependent upon approval of the Memorandum of Understanding by the neighborhood and City staff). (Mayor Kirk Watson, Mayor Pro Tem Gus Garcia and Councilmember Jackie Goodman)
Resolution No. 971204-30 approved
31. Set a public hearing on variance requests by Minter, Joseph and Thornhill on behalf of Eckerd Drugs to construct a drugstore and associated parking at 5256 Burnet Road in the 100-year floodplain. (Suggested date and time: December 11, 1997 at 6:00 p.m.) [Councilmember Jackie Goodman]
Approved
32. Approve a resolution appointing Councilmember Willie Lewis to replace Councilmember Beverly Griffith on the Austin Transportation Study Policy **Advisory Committee**.
(Councilmember Beverly Griffith)
Resolution No. 971204-32 approved

Items 28 through 32 approved on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

ZONING HEARINGS AND APPROVAL OF ORDINANCES

33. C14-97-0083 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 6619 River Place Blvd. from "DR", Development Reserve to "GR", Community Commercial. Planning Commission Recommendation: To Grant "LR-CO", Neighborhood Commercial-Conditional Overlay District zoning with conditions. Applicant: Four Points Development (John Sanford); Agent: Prossner & Associates (Kurt Prossner). City Staff: Don Perryman, 499-2786. (continued from 10/30/97)
Postponed for two weeks to December 18, 1997, staff request on, Councilmember Slusher's motion, Councilmember Griffith's second, 7-0 vote.
34. C14-97-0097 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 5401 to 5527 East Martin Luther King Blvd., 1928 to 1960 Webberville Road, and 4600 to 4722 Tannehill Lane, from "SF-3", Family Residence to "MF-2-CO", Multifamily Residence (low density)-Conditional Overlay zoning with conditions. First reading on November 6, 1997; Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: T. Warren Investments, Inc. (Thomas G. Warren); Agent: CFX, Inc. (J. Carroll Faulkner). City Staff: Ivan Naranjo, 499-2724. Note: A valid petition has been filed in opposition to this rezoning request. (CONTINUED FROM 11/20/97)
Motion by Mayor Pro Tem Garcia to suspend rules and allow both sides to speak for 20 minutes only, Councilmember Lewis' second, 7-0 vote.

Motion to recess item on, Councilmember Lewis' motion, Councilmember Slusher's second, 7-0 vote.

Motion to close public hearing on, Councilmember Lewis' motion, Councilmember Griffith's second, 7-0 vote.

Motion to deny request on, Councilmember Lewis' motion, Councilmember Griffith's second, 4-2-1 vote, Mayor Watson, and Councilmember Spelman voting "NO", Councilmember Goodman "ABSTAINING".

PUBLIC HEARINGS

35. 7:00 P.M. - Public hearing to adopt the Probability of Dispatch Cost of Service study for the Austin Electric Utility. (Councilmember Jackie Goodman, Mayor Pro Tem Gus Garcia and Councilmember Daryl Slusher)

Motion to close public hearing on, Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

ACTION ON PUBLIC HEARINGS

36. Approve a resolution adopting the Probability of Dispatch Cost of Service study for the Austin Electric Utility. (Councilmember Jackie Goodman, Mayor Pro Tem Gus Garcia and Councilmember Daryl Slusher)
Resolution No. 971204-36 approved with resolution (see below) by Councilmember Spelman on, Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

WHEREAS there is no formally adopted preferred method by City Council to allocate or attribute cost responsibility among, between, or within customer classes for the purpose of comparing electric utility rates to cost recovery; and

WHEREAS the coming of competition in the electric power industry increases the need to ensure that costs of power generation, transmission, and distribution are fairly allocated among customer classes; and

WHEREAS the utility staff has traditionally used the Average and Excess - 4 Coincident Peak (A&E-4CP) method for this purpose; and

WHEREAS this method allocates costs of power generation primarily based on four peak hours during the year; and

WHEREAS an alternative method, Probability of Dispatch, allocates costs of power generation based on all hours throughout the year; and

WHEREAS in several prior rate proceedings at the municipal level the issue of the most appropriate cost method has been a significant point of disagreement between staff and various parties; and

WHEREAS this resolution is adopted for the purpose of providing guidance to staff, the Electric Utility Commission, and the public concerning Council's preferred cost method and commitment to a fair rate structure, and is not to be construed as an action that affects any existing rate or that proposes or adopts any new rate;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. That the staff is directed to prepare all future proposals in rate proceedings at the municipal level using Probability of Dispatch (POD), and in its discretion may use other cost of service methods in addition to POD; and
2. That this resolution applies only to future proposals in rate proceedings at the municipal level and does not apply to any filings, reports, or proposals by the Austin Electric Utility at the Public Utility Commission of Texas.

EXECUTIVE SESSION (No Public Discussion on These Items)

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda.

The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

37. Discuss legal issues relating to annexation.
38. Discuss legal issues relating to the cost of service study for the Austin Electric Utility.
39. Discuss Gordon Dunaway and Eli J. Garza v. City of Austin; Cause No. 97-12434, Travis County District Court.
40. Discuss LS Ranch Limited and Circle C Land Corp. vs. City of Austin, CA-97-1048 in the 207th Judicial District Court of Hays County, Texas.
41. Discuss Griffin-Austin Company Inc. v. City of Austin; Cause No. 97-03157, Travis County District Court.

ACTION ON EXECUTIVE SESSION ITEMS

42. Amend Ordinance 970915-A, the 1997-98 Capital budget for Public Works and Transportation, by reallocating \$7,000 from the Completed Projects account to the Teri Road Project account to complete settlement of a construction claim in Griffin-Austin Company, Inc., v. City of Austin, Cause No. 97-03157. (Funding was included in the 1993-94 Amended Capital budget of the Public Works and Transportation Department.)
Ordinance No. 971204-F approved
43. Approve settlement in Griffin-Austin Company, Inc., v. City of Austin; Cause No. 97-03157.
Approved in the amount not to exceed \$71,000

Items 42 and 43 approved on Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

ADJOURNED at 9:40 p.m. on, Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

Approved on this the 18th day of December, 1997 on, Councilmember Goodman's motion, Councilmember Slusher's second, 6-0, Mayor Watson absent.